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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,658	10/24/2003	Jean-Francois Garin	71247-0014	6349
22902	7590	01/12/2006	EXAMINER	
CLARK & BRODY 1090 VERNON AVENUE, NW SUITE 250 WASHINGTON, DC 20005			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/691,658	GARIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gregory J. Strimbu	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3,6 and 8 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,5,7,9 and 10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/24/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

***Election/Restrictions***

Applicant's election of Group I in the reply filed on October 28, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 3, 6 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 28, 2005.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mobile panel façade facing the opening must be shown or the feature canceled from claim 2. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "a chassis" on line 1 is confusing since it appears that the chassis comprises part of the machine rather than the door. The legal phraseology "means" on lines 2 and 7 should be avoided. On line 6, it is suggested that the applicant make it clear that the façade referred to on line 6 is the interface façade. On lines 8-9, "is moved towards the opening" is confusing since it is unclear how the façade of the interfaces is moved towards the opening when it

appears that the façade is only moved parallel to the opening at best. See figure 2 which shows the façade of the interface facing generally perpendicular to the opening. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because the description of figures 4 and 5 on line 24 of page 3 is inadequate because each figure requires separate description. Additionally, the applicant should avoid referring to the same element of the invention with different language. For example, the applicant should avoid referring to element 12 as the “reception structure” on line 8 of page 4 and as “the reception structure guide means” on line 29 of page 4.

Appropriate correction is required.

### ***Claim Objections***

Claims 1, 2, 4, 5, 7, 9 and 10 objected to because they fail to begin with the customary article “A” or “The”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1, 2, 4, 5, 7, 9 and 10, as best understood by the examiner, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “comprising a chassis” on line 1 of claim 1 render the claims indefinite because it is unclear if the chassis comprises part of the door or part of the machine. Recitations such as “the façade” on line 7 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the façade of the panel or the façade of the man-machine interface. Recitations such as “a reception structure

displacement means" on line 9 of claim 1 render the claims indefinite because it appears that the displacement means and the guide means are the same. Recitations such as "moved towards the opening" on lines 10-11 of claim 1 render the claims indefinite because it is unclear how the façade of the man-machine interface can be moved towards the opening. As shown in figure 2, it appears that the man-machine interface is parallel to the opening at best. Recitations such as "the displacement guide means" on line 2 of claim 4, "the displacement guide means" on line 2 of claim 4, and "the sliding and pivoting guide means" on line 2 of claim 7 render the claims indefinite because they lack antecedent basis. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 4 recites the broad recitation of "between 40° and 135° and the claim also recites "and preferably between 60° and 110°" which is the narrower statement of

the range/limitation. Recitations such as "a first mobile panel" on line 3 of claim 7 render the claims indefinite because it is unclear if the applicant is referring to the mobile panel set forth above or is attempting to set forth another panel in addition to the one set forth above. Recitations such as "installed hinged on the chassis" on line 4 of claim 7 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "a man-machine interface" on line 2 of claim 9 render the claims indefinite because it is unclear if the applicant is referring to the interface set forth above or is attempting to set forth another interface in addition to the one set forth above. Recitations such as "and/or" on line 3 of claim 9 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant setting forth both instrumentation and control means, or instrumentation or control means. If the latter is the case, then it is unclear which one of the art recognized non-equivalent alternatives the applicant is attempting to set forth.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5 and 7, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Laby. Laby discloses a door for an automated machine, comprising a chassis 12 delimiting an opening 11 and equipped with guide

means 26, 48 for the movement of at least one mobile panel 31 between a closed position in which the façade of the mobile panel at least partly closes the opening and an open position in which the mobile panel is located laterally with respect to the opening wherein the mobile panel comprises: a reception structure 82 (shown in figure 7) for a man-machine interface for which the façade is accessible when the mobile panel is in the closed position, and a reception structure displacement means 101, 102, 104 assuring that when the mobile panel is in the open position, the façade of the man-machine interface is moved towards the opening so that an operator in position in front of the opening can access the opening and the man-machine interface at the same time, the reception structure displacement means comprise guide means that slide and pivot the mobile panel 31 into a plane forming an angle with the plane delimited by the opening equal to between 40 degrees and 135 degrees, at least one support 127 (figure 9), a guide rail 48 for at least one roller device 26, a first mobile panel 31 and a second mobile panel hinged together and hinged to the chassis.

Claims 1, 9 and 10, as best understood by the examiner, is rejected under 35 U.S.C. 102(b) as being anticipated by Shin. Shin discloses a automated machine (not numbered, but shown in figure 1) having a door 300 (shown in figure 5), the improvement comprising a door 300 having a chassis 10 (shown in figure 8) delimiting an opening (not numbered, but shown in figure 8) and equipped with guide means 304, 330 for the movement of at least one mobile panel 301 between a closed position in which the facade of the mobile panel at least partly closes the opening and an open

position in which the mobile panel is located laterally with respect to the opening wherein the mobile panel comprises: a reception structure (not numbered, but shown in figure 5 as the opening in which the handle is disposed) for a man-machine interface for which the façade is accessible when the mobile panel is in the closed position and a reception structure displacement means (not numbered, but comprising the hinge mechanism between the panels 301 and 302) assuring that when the mobile panel is in the open position the façade of the man-machine interface is moved towards the opening so that an operator in position in front of the opening can access the opening and the man-machine interface at the same time. Since the reception structure includes a handle, the mobile panel includes a man-machine interface which comprises a control means for controlling the movement of the panels.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wasnock et al., Jendroska et al., and Szasz et al. are cited for disclosing a panel system for an opening of a machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
January 6, 2006